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Name of Registered Representative:

*John C. Freeman*

John C. Freeman, Registration No. 34,483

*April 12, 2004*

Date of Signature

PATENT  
CASE NO. 56/360

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application: )  
)  
Erich Strasser )  
) Group Art Unit: 2863  
Serial No.: 10/005,489 )  
) Examiner: Sun, Xiuqin  
Filed: November 8, 2001 )  
)  
For: POSITION MEASURING DEVICE AND )  
METHOD FOR THE START-UP OF A )  
POSITION MEASURING DEVICE )

**AMENDMENT PURSUANT TO 37 C.F.R. § 1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Amendment is in response to the Office Action mailed on February 10, 2004. This Amendment is necessary and was not earlier presented because it responds to new rejections to the claims under 35 U.S.C. § 103. It is not believed that Amendment

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*XS  
05/06/04*